

## **Non-Smoker Protection in Germany's Catering Industry: Why State Laws Have Failed**

**More than 80 percent of pubs and bars and more than 90 percent of arcades are still smoke-filled. This is an alarming result of a current study by the German Cancer Research Center about non-smoker protection in ten selected German states.**

In February and March 2011, a team headed by Dr. Martina Pötschke-Langer and Ute Mons of the German Cancer Research Center (Deutsches Krebsforschungszentrum, DKFZ) investigated all bars and restaurants in the inner cities of state capitals Dusseldorf, Hanover, Kiel, Mainz, Magdeburg, Schwerin, Stuttgart, and Wiesbaden. In the metropolitan cities of Berlin and Munich two more districts with many pubs and bars were analyzed in addition. In total, the team has gathered data about 2,939 catering businesses. It is therefore the largest evaluation study to be conducted in Germany since non-smoker protection acts were introduced on state level.

The study's most important result: Four out of five beverage establishments are still smoke-filled. Non-smokers definitely do not have any freedom of choice when it comes to bars and pubs. Those who wish to go out for a beer in the evening have to go on a long search in many cities to find a place where they are not coerced into breathing second-hand smoke. The same applies to arcades. In matters of non-smoker protection, Dusseldorf is at the end of the line of the state capitals under investigation. Not only does it have most smoking establishments, but also most violations against the obligation to mark smoking bars as such. The best health protection is found in Munich where a general smoking ban was enforced in August 2010. But even here, seventeen percent of beverage establishments make use of the only exception regulation that is left – a smoking permission for closed functions.

It needs to be stated that the multitude and complexity of existing exception regulations entail serious enforcement problems. Thus, eight percent of investigated restaurants were in fact smoking establishments, which is a clear violation of prevailing state laws. Of the smoking establishments, thirteen percent had more than one room, although they should be one-room establishments according to law. As far as youth protection is concerned, the current situation must be called outrageous: In 62 percent of smoking establishments, the obligatory sign in the entrance area saying "No entry for persons under 18" is missing.

Once again the German Cancer Research Center would like to draw attention to the extremely high pollution by tobacco smoke in smoking establishments and smoking rooms, as another nationwide study carried out in 2009 has shown. Measurements of inhalable particles in ambient air of catering businesses with and without non-smoker protection have shown that pollution is five to eleven times higher in establishments where smoking is permitted in the whole facility or in smoking rooms. An extremely worrying fact from the perspective of non-smoker protection: In food and beverage establishments with smoking rooms, pollution was found to be elevated even in non-smoking areas, because smoke penetrates from the smoking room to adjacent rooms.

Exception regulations concerning non-smoker protection are neither viable nor effective. We may say that they have clearly failed in most German states. Germany urgently needs a simple, comprehensive and uniform non-smoker protection regulation in the catering industry, as it has successfully been introduced in many other EU countries.

The two publications are available (in German) on the Internet:

Hohe Schadstoffbelastungen in Raucherkeipen und Raucherräumen durch Tabakrauch  
(High pollution by tobacco smoke in smoking bars and pubs and smoking rooms)  
[http://www.dkfz.de/de/tabakkontrolle/download/Publikationen/AdWfP/AdWfP\\_Hohe\\_Schadstoffbelastungen\\_in\\_Raucherkeipen\\_2011.pdf](http://www.dkfz.de/de/tabakkontrolle/download/Publikationen/AdWfP/AdWfP_Hohe_Schadstoffbelastungen_in_Raucherkeipen_2011.pdf)

Nichtraucherschutz in der deutschen Gastronomie: Eine aktuelle Bestandsaufnahme in zehn Bundesländern (Non-smoker protection in Germany's catering industry: A current survey in ten federal states)  
[http://www.dkfz.de/de/tabakkontrolle/download/Publikationen/AdWfP/AdWfP\\_Nichtraucherschutz\\_in\\_Bundeslaendern\\_2011.pdf](http://www.dkfz.de/de/tabakkontrolle/download/Publikationen/AdWfP/AdWfP_Nichtraucherschutz_in_Bundeslaendern_2011.pdf)